

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 3, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE

VAR-16144 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC - Request for a Variance TO ALLOW A 70-FOOT TALL WIRELESS COMMUNICATIONS TOWER 68.2 FEET FROM RESIDENTIAL PROPERTY WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRES 210 FEET on 3.82 acres at 1620 Bracken Avenue (APN 162-02-208-001), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

16

City Council Meeting

0**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

0

City Council Meeting

1**RECOMMENDATION:**

The Planning Commission (6-0-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Support letter by Jeremy Gregersen and Elizabeth Kadel
6. Submitted at Meeting – Signed petition of opposition from Mary Alderman for Items 98 and 99
7. Backup referenced from the 10-05-06 Planning Commission Meeting Item 43

Motion made by GARY REESE to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Item 98 [VAR-16144] and Item 99 [SUP-16143].

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CHRIS WENER, Spectrum Engineering, 7351 West Charleston Boulevard, Suite 120, appeared on behalf of the applicant and indicated the facility is designed as a stealth monopalm. He stated he would withdraw the Variance because the setbacks have been met. The property is located in a commercial area and there are other existing facilities. The proposed facility will provide coverage for the residents that live specifically in this area. They agreed to the suggestions made by the residents. The church across the street is zoned R-E. They are limited where they can locate the facility.

MR. WENER presented a photograph depicting the property with 13 existing palm trees and a photo simulation of what the facility would look like after installation, a 70-foot tall monopalm. The equipment will be enclosed in a decorative block wall matching the side of the building. Area residents expressed concerns about health and property values and all agreed that the facility is not appropriate for this area. However, this is the only property where this facility could be installed to provide the service needed.

COUNCILMAN BROWN commented that given the improved technology, these cell towers could be pushed back. MR. WENER replied that it depends on the capacity each individual tower has, as well as the height of the antennas. What is happening is that more people are using wireless telephones that have more features with regard to text messaging or video e-mails. They use more capacity off the tower. An individual site is designed to carry hundreds of calls at any given time.

MR. WENER added that they try not to place these towers into residential neighborhoods, but in some cases they have to, such as in this instance. COUNCILMAN BROWN commented that this example is exactly what is happening in the northwest. In order to serve the people in residential areas, towers have to be installed into residential areas. He asked for a refresher briefing on what latitude the City Council has, as far as approving and denying these requests. ASSISTANT CITY ATTORNEY BRYAN SCOTT replied that under the Federal Communications Act of 1996, the Council cannot abolish all cell towers in one particular area, but the Council can regulate their height and location. He will brief the City Council on this matter. MR. WENER pointed out that the industry continues to grow and as more people move into new developments, these towers are needed.

BARBARA ROBERTSON, 1605 Concordia Place, appeared in opposition. She resides in a historic neighborhood and the four-story tower will stand out as an aluminum tower with plastic palms making the neighborhood less attractive. She has not had any trouble using her cell phone. She feels the tower belongs in a commercial area, such as Charleston Boulevard or Sahara Avenue.

MARY ALDERMAN, 1550 Bracken Avenue, opposed the request because this will lead the way to requests from other cell companies. On behalf of other residents, she asked that the City Council deny this request in this residential neighborhood and submitted a protest petition.

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STEVEN SPAWN stated he is the owner of the building and resides at 830 Park Paseo. He resides in the historic district and has done a lot to improve his property. He indicated that a new monopalm was recently installed on Charleston Boulevard and he does not notice it and supports the request. COUNCILWOMAN TARKANIAN verified with MR. SPAWN that he is renting the land to the cell tower company, and he receives approximately \$1,100 a month.

COUNCILWOMAN TARKANIAN asked if there is a chance that the company could look into providing monopalm trees that resemble a true palm tree. MR. WENER responded that technology has come a long way. In fact, there are three monopalm trees in Red Rock Country Club that cannot be seen by a general passerby. He showed before and after pictures depicting real palm trees and a monopalm tower. Team Mobile has tried to comply and abide by the City's requirements. COUNCILWOMAN TARKANIAN pointed out the importance of looking at these towers more thoroughly. She expressed concern about other companies requesting towers on the same monopalm. MR. WENER indicated they would agree to a condition not to allow additional towers on the pole.

WESLEY MUNTZ, property owner, stated that people rely on their cell phones. The request meets all the setbacks and it is possible to make it as unobtrusive as possible. It is unfortunate that there have to be poles, but they can be made attractive. Students attending a nearby school will be given classes on technology.

JEANNIE OTT stated she found a lovely home in this neighborhood and she is concerned about other towers and antennas coming into this area.

CORDELIA AKALAONU also resides in this neighborhood and expressed concern about what the towers will bring into this area.

COUNCILMAN REESE was appreciative about everything the applicant has done in his Ward. He attended the meeting and understands the needs, but this is not what everybody wants. If he would not put the cell tower into his own backyard, he will not put it into anybody else's backyard. He received more calls opposing this request than supports. He cannot see how this will hinder or make the neighborhood better, but the residents who live there feel this will be an imposition.

MAYOR GOODMAN declared the Public Hearing closed for Item 98 [VAR-16144] and Item 99 [SUP-16143].